

## **ELECTIONS TO LOCAL AUTHORITIES IN ENGLAND**

### **GUIDANCE FOR CIVIL SERVANTS ON CONDUCT**

1. Elections to local elections in England will be held on **4 May 2006**. This note provides guidance to civil servants on their role and conduct during the forthcoming campaign.

2. These elections are different from a General Election. The Government will remain in office whatever the outcome and it is not only essential business, but all the business of Government, which will continue. However, there is a tendency by all political parties to approach these elections from a national point of view, with nationally produced material. It is important therefore that civil servants take particular care during this period to ensure that they conduct themselves in accordance with the Civil Service Code. In particular, civil servants are under an obligation:-

- Not to undertake any activity which could call into question their political impartiality;
- To ensure that public resources are not used for party political purposes.

3. Particular care should be exercised in relation to the announcement of sensitive decisions with a local dimension, and in relation to paid publicity campaigns.

4. The general convention is that particular care should be taken in the **three weeks** preceding the elections; in this case, from **13 April 2006**. Departments will therefore wish to take this into account in the forward planning of activities and announcements.

#### **General Principles**

5. The following general principles should be observed by all civil servants, including special advisers:-

- a) There should be even-handedness in meeting information requests from candidates from the different political parties. The aim should be to respond to routine inquiries and straightforward/routine requests from candidates as soon as possible within 24 hours;
- b) Where it is clear that the request is an FOI request it must be handled in accordance with the Freedom of Information Act. The Act requires public authorities to respond to requests promptly and in any event not later than 20 working days after the date of receipt. Where it is clear that it will not be possible to provide a

quick response the candidate should be given the opportunity to refine the request if they wish;

- c) Particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial announcements which have a bearing on matters relevant to the local elections. In some cases it may be better to defer an announcement until after the elections but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome – each case should be considered on its merits;
- d) Similar care should be taken over announcements of decisions made at official level;
- e) Special care should be taken in respect of paid publicity campaigns which should not be open to criticism that they are being undertaken for party political purposes.

6. In addition, the requirements set out in the Political Parties, Elections and Referendums Act 2000 will also apply to these elections. Departments should take care to observe the requirements set out in the Act.

### **Consultation/Publications**

7. Public consultations with a particular emphasis on local issues should generally not be launched during the election period. If there are exceptional circumstances where launching a consultation is considered **essential** (for example, for safeguarding public health), advice should be sought from the Propriety and Ethics Team in the Cabinet Office.

8. If a consultation is ongoing at the time an election is called, it should continue as normal. However, Departments should avoid taking action during an election period which will compete with candidates for the attention of the public. This effectively means not undertaking publicity for those consultations that are still in process. During the election period, departments may continue to receive and analyse responses.

### **Ministerial Visits**

9. Official support should not be given to visits and events with a party political or campaigning purpose. In cases of doubt, further guidance should be sought from the Propriety and Ethics Team in the Cabinet Office.

## **Use of Government Property**

10. Government property should not be used by Ministers or candidates for electioneering purposes.

11. In the case of NHS property, decisions are for the relevant NHS Trust but should visits be permitted to, for example, hospitals, it should be on the basis that there is no disruption to services and that the same facilities are available to all candidates. The decision on the use of schools and other local authority properties should be for those legally responsible for the premises. They should ensure that the same facilities are available to all candidates.

## **Official Information**

12. In presenting Government policy and providing publicity and advertising material during the campaigns – whether on paper, electronically or via other media - civil servants should continue to take their customary care to conform with the publicity conventions set out in the Guidance on Government Communications ([www.comms.gov.uk/guidance/propriety/government-communications.htm](http://www.comms.gov.uk/guidance/propriety/government-communications.htm)) which require that their activities should:-

- Be relevant to Government responsibilities;
- Be objective and explanatory, not tendentious or polemical;
- Not be, or liable to misrepresentation as being, party political;
- Be conducted in an economic and appropriate way, having regard to the need to be able to justify the costs as expenditure of public funds.

13. Official websites will be scrutinised closely by the news media and the political parties during the election period and must be handled with great care.

14. In all cases of doubt, guidance should be sought from your departmental Director of Communications or the Permanent Secretary Government Communication's team (020 7276 5089 or email [lyn.salisbury@cabinet-office.x.gsi.gov.uk](mailto:lyn.salisbury@cabinet-office.x.gsi.gov.uk))

## **Political Activities**

15. Political activity connected with the local elections falls within the definition of local political activity.

16. Detailed guidance on the restrictions on civil servants' involvement in local political activities is set out in section 4.4 of the Civil Service Management Code and Departmental staff handbooks.

## **Special Advisers**

17. For the local elections, special advisers may undertake all forms of local political activity – with the approval of their Minister and in accordance with the terms of the Code of Conduct for Special Advisers. Special advisers planning to help with the local elections should note that any help on campaigning must be done in their own time either outside office hours or while on leave from their Departments.

18. Official resources such as telephones, computers, fax machines and official stationery must not be used in support of these elections.

## **Statistical Activities**

19. During these elections, statistical activities should continue to be conducted in accordance with the National Statistics Code of Practice and the accompanying Protocol on Release Practices, and social research activities in accordance with agreed protocols. Requests for information should be handled in accordance with the principles set out in paragraph 5 of this note and with the National Statistics Code of Practice. For further guidance on statistical and social research activity during these elections please consult either your departmental Head of Profession for Statistics, your departmental Head of Profession for Social Research, the National Statistician (Contact, in the first instance: 020 7533 6210) or the Chief Government Social Researcher (Contact, in the first instance: 020 7276 1327)

## **Non-Departmental Public Bodies**

20. NDPBs and other public sector bodies do spend public money and make public announcements, use Government property and can employ civil servants. Decisions on individual matters are for the bodies concerned but in cases of doubt NDPBs should consult their

sponsor department who will wish to consider whether proposed activities would reflect adversely on the work of the NDPB or reduce public confidence in it. Further advice should be sought as appropriate from the Propriety and Ethics team.

### **Further Advice**

21. In cases of doubt, further advice should be sought from the Propriety and Ethics Team in the Cabinet Office on 0207 276 2471/2473 or alternatively by e-mail [sally.perry@cabinet-office.x.gsi.gov.uk](mailto:sally.perry@cabinet-office.x.gsi.gov.uk)